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# Institute on Federal Rules of Civil Procedure

Paul M. Hebert

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## EDITORIAL

### INSTITUTE ON FEDERAL RULES OF CIVIL PROCEDURE

A current issue of the American Bar Association Journal states that no activity of the organized bar in recent years has been so well received by practicing lawyers as the legal institutes on the new Federal Rules of Civil Procedure that are being held in many parts of the country. Ample evidence of the correctness of this assertion was afforded in the marked success of the Institute held in New Orleans, December 16th and 17th, under the sponsorship of the New Orleans Bar Association in cooperation with Louisiana's three law schools. For the success of the New Orleans Institute, congratulations are particularly due to the members of the active and energetic Committee on Arrangements headed by Mr. Charles F. Fletcher of the New Orleans Bar. Registration for the Institute totaled 660—including lawyers,

judges, law students and law teachers. Representatives were present from the states of Arkansas, Mississippi, Texas and Alabama. The lecturers included three members of the Supreme Court's Advisory Committee which drafted the rules: Dean Charles E. Clark of the Yale Law School; Major Edgar Bronson Tolman, Editor of the American Bar Association Journal; and Hon. Monte M. Lemann of the New Orleans Bar. The fourth speaker was Hon. Joseph C. Hutcheson, Jr., Judge of the United States Circuit Court of Appeals for the Fifth Circuit. All sessions were well attended and the high caliber of the program was marked by the sustained enthusiastic interest of those present.

As a result of the New Orleans Institute, one could not fail to realize that the new Federal Rules will inevitably cause a movement for procedural reform throughout the United States tending toward the establishment of a single procedural system. This movement will probably be as far-reaching in its effect as that of the David Dudley Field code pleading reform movement of 1848. With the processes of conformity now reversed, intensive re-examination of procedure in various states seems certain to follow and this will, it is expected, lead to widespread adoption of the new procedural advances. In Ohio, for example, the Judicial Council has already recommended a series of amendments to the state procedure designed to make it conform to the new Federal Rules.

During the New Orleans Institute the statement was repeatedly made that, due to the advanced views of Edward Livingston reflected in the Louisiana Code of Practice, there is probably less difference between the new Federal procedure and Louisiana practice than exists between the new rules and the practice of any other state. In general, the Louisiana and Federal systems have many similar features, and much of the new Federal practice which will be regarded as strange innovation by the practitioners of other states will be familiar to the Louisiana lawyer. However, the legal profession in Louisiana should give serious consideration to that variety of matters in which the Louisiana procedure might be considerably strengthened and improved by a borrowing from the advanced views of the new Federal Rules. Due largely to inertia, procedural reform has been practically at a standstill in Louisiana since the redaction of the Code of Practice of 1825. The new widespread interest in the subject of procedure resulting from the New Orleans Institute should add an impetus to a movement for procedural reform in Louisiana.

The success of the New Orleans Institute additionally demonstrates the vast possibilities latent in the program of post-admission legal education, but also raises the problem of the future of that movement in Louisiana. It has been shown that with a subject of timely interest and of practical value to the bar and with a panel of able speakers carefully selected, the legal profession in Louisiana will support and insure the success of programs of post-admission legal education. A variety of topics that might profitably be treated suggest themselves—Administrative Law, Labor Law (including the Wagner Act, and the Wages and Hour Law), the Chandler Bankruptcy Act, Social Security Legislation and Taxation. The bar of Louisiana is to be congratulated on the excellent start that has been made. It is to be hoped that the movement will be continued and that similar programs will be arranged in the not too distant future.

PAUL M. HEBERT, *Dean*